

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

STEVEN S. SCOTT

PLAINTIFF

v.

Civil No. 06-5202

RANDALL DENZER, Jail
Administrator, Washington
County Detention Center;
DETECTIVE BRADLEY RENFRO,
Fayetteville City Police Department;
and JASON FRENCH, Fayetteville
City Police Department

DEFENDANTS

ORDER

Separate defendants Bradley Renfro and Jason French filed a motion for summary judgment (Doc. 14). Separate defendant Randall Denzer also filed a motion for summary judgment (Doc. 17). To assist plaintiff in responding to the motions for summary judgment, the undersigned is propounding a questionnaire. The court will consider plaintiff's response to the questionnaire in issuing a report and recommendation on the motions for summary judgment.

For this reason, Steven S. Scott is hereby directed to complete, sign, and return the attached response to defendants' motions for summary judgment on or before **February 8, 2008**.

Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.

IT IS SO ORDERED this 17th day of January 2008.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE

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DEFENDANTS

RESPONSE TO SUMMARY JUDGMENT MOTIONS

TO: STEVEN S. SCOTT

These questions and answers will serve as your response to defendants' motions for summary judgment. You may use additional sheets of paper in responding to these questions. You must file this response by **February 8, 2008**.

1. You were arrested by the Fayetteville Police Department on April 7, 2004, at 22:30 or 10:30 p.m. and charged with arson and violation of an order of protection.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. (Note: The court will refer to the exhibits attached to the summary judgment motion filed by Bradley Renfro and Jason French as Renfro's Exhibit followed by the exhibit number and the exhibits submitted with the summary judgment motion filed by Randall Denzer as Denzer's Exhibit filed by the exhibit number.). In explaining, please refer to the Renfro's Exhibit 2 at page 1.

2. You were booked into the City Jail at 23:24 or 11:34 p.m.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 2 at page
3.

3. You remained incarcerated at the City Jail until April 9th at 19:03 or 7:03 p.m.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at page
5.

4. Bradley Renfro is currently an employee of the Fayetteville Police Department and
was at the time of the incidents at issue in your complaint.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

5. Justin French is currently an employee of the Fayetteville Police Department and was at the time of the incidents at issue in your complaint.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

6. Rob Tuberville, is an administrative lieutenant in the Fayetteville Police Department and is an official keeper of all documentation and paperwork for the department.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at ¶ 1 & ¶ 3.

7. You were booked into the WCDC ON April 9, 2004, at 22:25 or 10:25 p.m.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 3.

8. According to your intake sheet at the WCDC, the bond on your arson charge was \$250,000 and you had a court date of May 12, 2004, at 7:45 a.m.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 3.

9. On April 9th, as part of your intake, you completed a medical questionnaire, an inmate medical insurance information form, and a medical release and informed consent for treatment form.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 2 at pages 1-3.

10. On April 9th, Officer Willis completed an inmate intake sheet that listed your personal property and the charges against you and you signed the form.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 6.

11. According to the inmate charge detail, probable cause was found to exist on April 10th by Judge Reynolds and bond set at \$250,000 and you were given a court date of May 12th.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 7.

12. On April 24th you signed the order for conditions of release form from the Washington County Circuit Court. The conditions included your appearance in court on May 12, 2004, at 7:45 a.m. The conditions included waiver of extradition, no violation of any laws, no contact with the victims, and bail of \$250,000. The conditions for release form was also signed by Judge Reynolds.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 8.

13. You were released on April 24th at 19:50 or 7:50 p.m. after securing a bond from Holt Bonding.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 9.

14. When you were released on April 24th, you were given arraignment information informing you that you must appear on May 12th at 7:45 a.m. before Judge Reynolds. You signed the arraignment information acknowledging you had been given directions to the court and understood the necessity for your appearance.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 11.

15. On April 26th Bondsman Stuart Huhgin completed bond 24-12472 for you in the amount of \$250,000 and noted your May 12th appearance date and time.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 12.

16. On May 11th a felony information accusing you of accomplice to arson and violation of a protective order was filed.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 13.

17. A post arrest warrant was served on you by Officer Larry Johnson on May 12th for accomplice to arson and violation of a protective order.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 15.

18. According to the records of the Fayetteville Police Department, you were not arrested or booked by the Department on or about May 16, 2004.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at ¶ 4.

19. On May 25, 2004, you were arrested by the Fayetteville Police Department at 1:15 and charged with domestic battery (third degree).

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 4 at page 1.

20. You were released that same day a little more than two hours later at 3:38.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendant's Exhibit 4 at page 1.

21. On May 25th prosecuting attorney John Threet filed a motion to revoke your

surety bond because of your arrest by the Fayetteville Police Department.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 16.

22. French provided an affidavit in support of the motion to revoke the bond. On May 24th he stated the police responded to 2355 S. Razorback in response to a disturbance call involving a gun. The police were told that you and your brother John fought over a handgun and the gun discharged inside the home. There were five juveniles present. You were arrested on charges of endangering the welfare of a minor and domestic battery.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at pages 18-19.

23. On May 25th Judge William Story signed an order revoking your surety bond and ordering you to be turned into the Washington County Sheriff's Office immediately.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 20.

24. A warrant information sheet dated May 26th stated there was an active warrant issued for your arrest due to a violation of the conditions of your bond.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 21.

25. On June 3, 2004, you were arrested by the Fayetteville Police Department for terroristic threatening and violation of a protection order. You were booked in at 18:22 or 6:22 p.m.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 5 at page 3.

26. You were released to "WASS" on June 4th at 19:12 or 7:12 p.m.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 5 at page 4.

27. You were booked into the WCDC at 8:34 p.m. on June 4th on charges of violation of the conditions of your bond, terroristic threatening, and violation of Act 266.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 22.

28. As part of your intake, you completed a medical questionnaire indicating you had

no health problems.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 2 at page 6.

29. On June 4th you signed an intake sheet which listed your personal belongings and indicated the reason for your detention was "look at preliminary report."

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 24.

30. The preliminary report was prepared by French. It stated he received a phone call from Jamie Scott, the victim in the case, on May 26th. Jamie Scott reported having received a phone call from you on May 25th in which you stated you were going to cut her neck. French listened to the message.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at pages 25-26.

31. An alias warrant was served on you on June 4th for violation of conditions of your bond on an underlying charge of accomplice to arson.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 28.

32. On June 5th, Judge Gunn found probable cause to believe you violated the conditions of your bond. She ordered you held without bond and set a court date of July 7, 2004.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 27.

33. On June 14th, July 26th, August 8th, August 23rd, September 19th, September 29th, and November 7th, you requested a medical shave.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's's Exhibit 3 at pages 2 & 6 and Denzer's Exhibit 2 at pages 7-11.

34. On July 5th you submitted a request asking what your charges were and what your court dates were. In response, you were told violation of the conditions of your bond (court date 7/7/04), terroristic threatening, and violation of Act 266 of the 1991 protection act.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 3 at page 1.

35. On July 6, 2004, a felony information was filed charging you with terroristic threatening and violation of a protective order.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at pages 30-31.

36. On July 7th you were transported to the Washington County Circuit Court by Officer Johnson and were arraigned by Judge Reynolds. You were appointed a public defender B. Showalter. You pled not guilty and a trail date of August 30th was set.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 4 at page 7.

37. A post arrest warrant was served on you on July 7th on the charges of terroristic threatening and violation of a protective order.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 33.

38. You were transported on July 14th to the Washington County Circuit Court and appeared before Judge Story. Your case was rescheduled to September 8th.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 4 at page 35.

39. What occurred at this court appearance?

Answer:

40. On July 16th you asked for legal envelopes for Judge Gunn and Judge Storey.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 35.

41. On August 30th you were transported to the Washington County Circuit Court to appear before Judge Storey.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 36.

42. What happened at this court appearance?

Answer:

43. On September 16th you asked for a legal envelope for Cristi Beaumont with the public defender's office.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 3 at page 4.

44. On September 19th you asked for your court dates. In response you were told November 16th.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 3 at page 5.

45. On October 15th you asked if they could let your public defender (Beaumont) know you would like to talk to her as soon as possible. In response, you were provided with a legal envelope.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 3 at page 7.

46. On October 16th you asked what your charges were. In response, you were told your charges and your court date of November 16th.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 3 at page 8.

47. On October 17th, you again asked what your charges were. You were again provided with a list of the three charges against you.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 3 at page 9.

48. On October 24th you asked if the officers could look and see if in the past two or three weeks they had a Jamie C. Scott or Mill and if so what her charges were. In response, you were told they could not find her in the computer.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 3 at page 10.

49. You were transported to the Washington County Circuit Court on November 16th and appeared before Judge Storey.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 38.

50. You were represented by Cristi Beaumont and Tim Snively and entered a negotiated plea of guilty to the accomplice to arson charge and the terroristic threatening charge.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at pages 39-41.

51. You were sentenced to 300 months in the Arkansas Department of Correction (ADC) with 180 months suspended and were given credit for 181 days spent in jail. You were also to pay restitution and to have no contact with the victim.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 39-41.

52. On November 19th you were made a trusty and assigned to the morning kitchen staff.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 44.

53. On December 5th you requested a copy of your commitment papers. In response, you were provided a copy.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 3 at page 11.

54. You were released to the ADC on December 16th.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Denzer's Exhibit 1 at page 45-46.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

[illegible]

56. The employees of the Fayetteville Police Department have no authority in, or control of, the Washington County Detention Center (WCDC).

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at ¶ 5.

57. The WCDC is totally controlled and operated by Washington County.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at ¶ 5.

58. The Fayetteville Police Department and the WCDC are separate and distinct entities or agencies.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at ¶ 6.

59. Any relationship between the Fayetteville Police Department and the WCDC is purely a working relationship. The Department turns over arrested individuals to be incarcerated.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at ¶ 7.

60. Employees of the WCDC determine when to take the arrested person before a judge or magistrate.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at ¶ 7.

61. Washington County cannot give orders to Fayetteville Police and the Fayetteville Police cannot manipulate or control Washington County or its detention facility.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at ¶ 7.

62. Tuberville is not an employee of the WCDC and has never been employed there.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at ¶ 8.

63. Every arrest or booking of you was made pursuant to a valid warrant or based on probable cause.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at ¶ 9.

64. You were held for a valid reason or purpose by the Fayetteville Police Department.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at ¶ 10.

65. No person at the Fayetteville Police Department had control over you after you were turned over to the WCDC.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Renfro's Exhibit 3 at ¶ 12.

66. Neither Renfro or French have ever been employed with the WCDC.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to Renfro's Exhibit 6 at ¶ 3 and Renfro's Exhibit 7 at ¶ 3.

67. Do you contend a custom or policy of Washington County resulted in your not

If you answered yes, please describe in detail the custom or policy and how it operated to deprive you of your federal constitutional rights.

[illegible]

-30-

If you answered no, please state why you believe Denzer should be held liable.

69. Since you were released on bond on April 24th, please explain how you believe not going before a judge between April 24th and May 12th violated your constitutional rights.

Answer:

70. Please explain why following your arrest on June 4th, you did not request that you be taken before a Judge for your first appearance.

Answer:

71. Prior to your arrests in 2004, did you know you had a right to a first appearance

or to appear before a judge after you were arrested?

Answer: Yes _____ No _____.

72. You were given credit on your ADC sentence for the 181 days you spent in the WCDC.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

73. Please explain how you believe you were harmed by not having a first appearance without unnecessary delay.

Answer:

74. Following your arrest on April 7th, your bond was set on April 10th. Thus, you could have bonded out of jail by April 10th.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendant's Exhibit 1 at page 7.

75. No bond was set following your second arrest on June 4th so you would have remained in jail whether or not you appeared before a judge.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendant's Exhibit 1 at page 7.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

EXECUTED ON THIS _____ DAY OF _____ 2008.

STEVEN S. SCOTT